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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/865,733

05/29/2001

Nadine Assaf .

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09/25/2006

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EXAMINER

PHILIPPE, GIMS S

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865,733

Applicant(s)

ASSAF, NADINE

Examiner

Gims S. Philippe

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-10,12 and 13 is/are rejected.
- 7) ☒ Claim(s) 3-4, 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Prosecution of this application is reopened following a pre-appeal conference made after the request of July 17, 2006.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-2, 5 and 7-10, and 12-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Khansari et al. (US Patent no. 6141448).

Regarding claims 1, 8 and 10, Khansari discloses a picture coding method for transmission on an channel at a low bit rate and with a high error rate (See Khansari col. 1, lines 27-41), which method uses motion estimation coding and divides the picture into a plurality of segments independently of the image information within each segment, with each segment made up of macroblocks (See Khansari col. 3, lines 36-44, col. 4, lines 58-62) wherein, at least for an edge block of a segment, a motion estimation vector is allowed to extend into an adjacent segment (See Khansari col. 4, lines 41-53). The applicant should note that a slices consisting of macroblocks (MBs) are the claimed "segments" as noted in col. 6, lines 1-5.

As per claim 2, the limitations of the claim have been noted in the above rejection of claim 1. In addition, the segment as disclosed in Khansari is made either of blocks or macroblocks (See col. 6, lines 44-56).

As per claim 5, Khansari further provides two groups of blocks for each segment (See Khansari col. 6, lines 44-56).

As per claims 7 and 9, Khansari uses a low bit rate encoding system, as disclosed by the applicant in the detailed description, it can be concluded that the transmission rate of Kim is less than 100 kbits/s (See Khansari col. 1, lines 27-40).

As per claims 12 and 13, Khansari further divides the picture in accordance with ITU standard H.263+ (See col. 9, lines 7-14).

3. Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Khansari et al. (US Patent no. 6141448) in view of Hannuksela et al. (US Patent no. 6611561).

As per claim 6, it is noted that Khansari is silent about an error rate greater than 10^{-6} or even greater than 10^{-4} .

However, Hannuksela discloses a video coding method including transmission wherein the error rate greater than 10^{-6} or even greater than 10^{-4} (See Hannuksela col. 3, lines 3-15).


Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying the coding method of Khansari by incorporating Hannuksela's error rate which is greater than 10^{-6} or even greater than 10^{-4} . The motivation for such a modification is to protect and recover images from transmission errors.

4. Claims 3-4, and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri S. Mehrdad can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Gims S Philippe
Primary Examiner
Art Unit 2621

GSP

September 18, 2006